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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/623,977	09/11/2000	Peter James Hughes	36-1359	1871

23117 7590 06/25/2004
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EXAMINER

FOSTER, ROLAND G

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/623,977

Applicant(s)

HUGHES, PETER JAMES

Examiner

Roland G. Foster

Art Unit

2645

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

R/GF 6/23/04
Roland G. Foster
Primary Examiner
Art Unit: 2645

Continuation of 5. does NOT place the application in condition for allowance because:

The applicant argues that the examiner's interpretation of the recited term "multichannel" as being a single audio output comprising a mix of several channels is NOT consistent with the applicant's specification. Specifically, Fig. 2 illustrates an "N" channel decoder 14 at the customer premises. Thus, a multichannel signal in the form of a single channel mixed signal would provide nothing for the "N" channel decoder to act upon.

Applicant's arguments were duly considered but not deemed persuasive. The applicant admits that the examiner interpreted multichannel to mean a single audio output comprising a "mix of several channels", not a "single channel mixed signal" as later argued by the applicant. The examiner's interpretation is also consistent with the applicant's specification, which states that the "signal mixing can take place either...in a centralized processing platform as is shown in Figure 2" (page 3, lines 28-31) (see also footnote 1 in the last Office action). A mixed signal comprises the various channels that make up the mix, otherwise mixed signals resulting from modulations techniques (e.g., amplitude and frequency) and multiplexing techniques (e.g., frequency and time division) could not be said to carry multiple channels, which is assuredly not the case. Thus, a mixed signal of various channels (corresponding to conference participants) is provided by the conference bridge to the terminal equipment for processing. Thus, the "N" channel decoder 14 would have SEVERAL channels (albeit premixed) to operate upon. Thus, this portion of the applicant's specification also seems consistent with the examiner's interpretation. Moreover, even if it did not, the examiner's interpretation is based upon an alternate embodiment expressly disclosed in applicant's specification. Thus, the applicant pointing to other portions of the specification that appear inconsistent with the alternate embodiment is not persuasive, since one would expect ALTERNATE embodiments to exhibit some measure of inconsistency.

The applicant also argue that the A/V switches 30 (terminals) fails to separately process each received channel because there is only one channel transmitted between two sites due to mixing.

Applicant's arguments are not persuasive. Applicant's specification discloses that a mixed signal comprising several channels are transmitted to the terminals (as discussed above), thus Ludwig's disclosure that a mixed signal comprising several channels are transmitted to the A/V switches 30 (terminals) anticipates the claimed invention consistent with applicant's specification. Although not specifically argued by the applicant, it is also clear that the terminal equipment (A/V switch 30) comprises a means to separately process each received channel as discussed in the last Office action. For example, Fig. 15 illustrates that the same model A/V switch 30 has the capability to separately process each of the received channels A, B, C and D. In another example, Fig. 14 illustrates that the A/V switch 30 at Site No. 1 (participants A and B) can also individually process received channels A, B, C, and D SIMULTANEOUSLY, although this feature is not expressly claimed.